

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**LATAUNA HILL, INDIVIDUALLY AND ON BEHALF  
OF ALL THE HEIRS AT LAW AND WRONGFUL DEATH  
BENEFICIARIES OF WILLIE LEE BINGHAM, DECEASED**

**PLAINTIFF**

**v.**

**CAUSE NO: 4:14cv86-NBB-JMV**

**BOLIVAR COUNTY, ET AL.**

**DEFENDANTS**

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**ORDER**

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This matter is before the Court on Plaintiff's motion [152] to lift the stay as to immunity related discovery of Walter Grant. The Court has considered the motion, brief, and responses thereto, and having conducted a telephonic hearing on the same, rules, consistent with its findings made from the bench today, that the plaintiff will be permitted to take a limited deposition of Walter Grant on certain specific areas, provided that the deposition is concluded by 5:00 p.m., Friday, 3/18/16. The areas of questioning plaintiff's counsel is permitted to ask Defendant Grant about are as follows: 1) the location of all officers at the relevant scene upon arrival and at the time of the complained of shooting, including the distance between all such officers at those times; 2) the time that Grant arrived at the subject site, the time at which he first talked to Officer Smith, the time he traveled to where the suspect was located, and the time when the gunshot that killed the suspect was fired; 3) who Grant knows to have witnessed the shooting; and 4) the substance of Grant's conversation with Officer Smith at the scene immediately following the shooting.

Provided further, Grant's counsel will inform plaintiff's counsel by noon, Monday, 3/14/16, whether he intends to advise Grant to assert the Fifth Amendment in response to the questions outlined above. And, by 5:00 p.m., Monday, 3/14/16, plaintiff's counsel shall inform the Court and all counsel whether, in the event Grant's counsel does intend to advise his client to assert the 5th Amendment in response to the outlined permitted deposition questions, plaintiff's counsel will nevertheless proceed with the taking of Grant's limited deposition. In the event the deposition does proceed, it must, as noted, be concluded by no later than 5:00 p.m., Friday, 3/18/16. In so ruling on the instant motion, the Court has considered and balanced certain factors, namely whether the issues in the civil and related criminal cases overlap; the status of the criminal case; the interest of the plaintiff in proceeding expeditiously weighed against the prejudice to the plaintiff of delaying; the interest of the defendants; the interest of the Court; and the public interest, and has concluded that, on balance, the factors weigh in favor of permitting this limited deposition. A revised schedule for completion of briefing on the pending immunity motions will be made by the undersigned after consulting with the district judge no later than 5:00 p.m., Tuesday, 3/15/16.

SO ORDERED this 11th day of March, 2016.

/s/ Jane M. Virden  
**U.S. MAGISTRATE JUDGE**